

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

USA TRUCK, INC.,)	
)	
Plaintiff,)	
)	
v.)	No. 3:05-CV-334
)	(Phillips)
FREIGHTLINER OF KNOXVILLE, INC.,)	
)	
Defendant.)	

ORDER

This matter is before the court on the plaintiff's motion for default judgment [Doc. 3]. Defendant has filed a response to the motion for default, and also filed an answer to plaintiff's complaint. Inasmuch as defendant has now responded, it is the opinion of the court that this matter should be decided on its merits rather than decided on a procedural technicality. Accordingly, the court hereby **DENIES** plaintiff's motion for default judgment.

The clerk is **DIRECTED** to set this matter for a scheduling conference on the court's calendar.

IT IS SO ORDERED.

ENTER:

s/ Thomas W. Phillips
United States District Judge